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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,843	12/10/2001	Arnaud Flegeo	FR 000135	7610

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P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

D ADAMO, STEPHEN D

ART UNIT PAPER NUMBER

3636

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,843

Applicant(s)

FLEGEO, ARNAUD

Examiner

Stephen D'Adamo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9, 11-13 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13 and 17-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11, 12, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Spakman et al. (3,179,737).

Spakman discloses a metal casing for a motor car radio. The metal casing comprises a main body 1 with an opening, a cover 3 moveable between an assembled position and a disassembled position, a locking element 9 moveable between a locked position and an unlocked position. The cover 3 includes at least one hook (disclosed in Figure 7) and in the assembled position, the hook extends through the opening into the main body.

Figures 1 and 2 disclose the locking element extending through and into the main body and cooperating with the hook to lock the cover 3 with the main body 1. Furthermore, the groove formed from the hooks or lugs is a guiding means for the locking element.

Regarding claims 18 and 19, Spakman teaches that the cover is secured to the box along two side edges of the casing. Spakman further discloses, “the cover is connected to the box by...studs...in the manner of a *hinge*” (col.1, lines 64-67). Thus, when one side is

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unlocked, as claimed, the cover is slewable or pivotable along the second side of the casing.

Claims 11-13 and 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Jaeb et al. (6,676,175).

Jaeb discloses a security box comprising a main body or base 12 with an opening, a cover 14 slewable or pivotable about hinges 16 relative to the base between an assembled position (Figure 3) and a disassembled position (Figure 2), and a locking element or slide 18 moveable between a locked position and a disassembled position. In the locked position, the locking element extends through and into the housing and cooperates with teeth 50 to lock the cover and the base. Further, Jaeb teaches of hooks extending from the cover 12 including an offset wall 52 and teeth 50. As disclosed in the patented invention, "teeth 50 are preferably offset from the front surface of the front wall 40....the offset may be achieved by providing an offset wall 52 connected to front wall 40" (col.60-63). Therefore, the wall and teeth are hooks extending from the top surface 40 of the cover 12. Jaeb also discloses guiding means or a slot in which lock slide 18 moves between a locked and unlocked position. Furthermore, the security box also includes a retaining means for retaining the locking element in the locked position. The retaining means includes keys. Moreover, the locking element 18 includes at least one notch, located between teeth 64. When the security box is in the unlocked position, the notches cooperate with each hook to unlock the cover and the base.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spakman et al. (3,179,737) in view of Napolitano (4,148,105).

Spakman discloses a metal casing for a motor car radio. The metal casing comprises a main body 1 with an opening, a cover 3 moveable between an assembled position and a disassembled position, a locking element 9 moveable between a locked position and an unlocked position. The cover 3 includes at least one hook (shown below and disclosed in Figure 7) and in the assembled position, the hook extends through the opening into the main body. Figures 1 and 2 disclose the locking element extending through and into the main body and cooperating with the hook to lock the cover 3 with the main body 1.

However, Spakman fails to disclose a retaining means. Yet, Napolitano discloses a securing device with a locking element 10 including a head 13 "having keyholes 14 and 15 formed therein for accommodating a special key....to insert said lock rod through the bores of the tank and...to remove said lock rod from said bores" (col.2, lines 10-16). It would have been obvious to one having ordinary skills in the art at the time the invention was made to modify the locking element or studs 9 of Spakman with a retaining means or a head with keyholes, as taught by Napolitano, for retaining the stud within the guide means.

Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaeb et al. (6,676,175) in further view of Daly (4,979,636).

Jaeb discloses a security box comprising a main body or base 12 with an opening, a cover 14 slewable or pivotable about hinges 16 relative to the base between an assembled position (Figure 3) and a disassembled position (Figure 2), and a locking element or slide 18 moveable between a locked position and a disassembled position. In the locked position, the locking element extends through and into the housing and cooperates with teeth 50 to lock the cover and the base. Further, Jaeb teaches of hooks extending from the cover 12 including an offset wall 52 and teeth 50. As disclosed in the patented invention, "teeth 50 are preferably offset from the front surface of the front wall 40....the offset may be achieved by providing an offset wall 52 connected to front wall 40" (col.60-63). Therefore, the wall and teeth are hooks extending from the top surface 40 of the cover 12. However, Jaeb fails to expressly disclose elastically deformable hooks. Yet, Daly teaches of a housing assembly including a base 12 and cover 12. The cover also includes a hook 44 extending therefrom. The hook is a "flexible hook" which is used to hold the cover 12 in place on the housing 14. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the offset wall and teeth of Jaeb with a flexible hook, as taught by Daly, for providing a safeguards for the security box if the lock slide is in the locked position and the cover is pushed toward the base.

Regarding claims 23-25, Jaeb also discloses guiding means or a slot in which lock slide 18 moves between a locked and unlocked position. Furthermore, the security box also

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includes a retaining means for retaining the locking element in the locked position. The retaining means includes keys. Moreover, the locking element 18 includes at least one notch, located between teeth 64. When the security box is in the unlocked position, the notches cooperate with each hook to unlock the cover and the base.

Response to Arguments

3. Applicant's arguments filed 10 February 2005 regarding claim 11, have been fully considered but they are not persuasive.

Applicant's primary argument in regards to Spakman is directed to the covering including "at least one hook extending through said opening into said main body" (lines 9-10). However, as cited in the rejection above, Figure 7 discloses at least one hook on cover 3, shown in the assembled position, extending through the opening into the main body. The opening is the space below the cover, which is open when the cover is in the disassembled position and closed when the cover is in the assembled position.

Applicant's primary argument in regards to Jaeb is directed to the cover movable relative to the main body "between an assembled position for blocking said opening" and a disassembled position. However, the cover 14 blocks the opening in the assembled position and allows access to the opening in the disassembled position. Also noted in the above rejection, the cover does include at least one hook extending through the opening and into the main body. The opening is in the assembled position in Figure 3 and in the disassembled position in Figure 2. Since the start of the opening is defined by the top of wall 30, the teeth do extend into the opening.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the

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teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Jaeb fails to expressly disclose elastically deformable hooks. Daly teaches of a similar housing assembly with different fastening means, specifically, the cover of Daly includes a hook 44 extending therefrom. The hook is a "flexible hook" which is used to hold the cover 12 in place on the housing 14. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the offset wall and teeth of Jaeb with a flexible hook, as taught by Daly, for providing a safeguards for the security box if the lock slide is in the locked position and the cover is pushed toward the base.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen D'Adamo whose telephone number is 703-305-8173. The examiner can normally be reached on Monday-Thursday 6:00-3:30, 2nd Friday 6:00-2:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SD

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April 26, 2005


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600